

REMARKS

Claims 1-4, 6-16, 18-27, 29 and 30 are pending in this application. By this Amendment, claims 1, 4, 11, 13, 29 and 30 are amended.

Claims 1-4, 10-16, 22-27 and 29-30 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Claim 11 has been amended to correct the antecedent basis error. With regard to the rejection of claims 1 and 13, Applicants respectfully traverse the rejection.

Claims 1 and 13 are both rejected based on the recitation that the nucleotide or the nucleoside of W optionally carries "one or more modifications on one or more of the constituent elements of said nucleotide or nucleoside." It is respectfully submitted that this phrase does not render these claims indefinite.

In particular, it is well understood in the art that the constituent elements of a nucleoside are a nitrogenous base and a pentose sugar. In addition, it is well understood in the art that the constituent elements of a nucleotide are a nitrogenous base, a pentose sugar and phosphoric acid. As recited in previous claims 1 and 13, any of these elements may carry one or more modifications. However, these modifications are clearly of the type that would not cause the W group to no longer have one of the constituent elements since such a modification would not be a modification carried on one of the constituent elements of a nucleoside or nucleotide. Thus, the resulting W group clearly contains, albeit modified, each of the constituent elements of a nucleotide or nucleoside.

Claims 1 and 13 do not specifically recite all possible modifications of a nucleotide or nucleoside. However, for the reasons discussed in the previous paragraph, to be within the claims, one of ordinary skill in the art must be able to recognize the compound as containing a nucleotide or nucleoside, or a nucleotide or nucleoside that has been modified. That is, the modified nucleotide or nucleoside must still contain, albeit modified, the constituent elements

of a nucleotide or nucleoside. Therefore, the recitation that the nucleotide or nucleoside optionally carries one or more modifications on one of the constituent elements of the nucleotide or nucleoside does not render claims 1 or 13 indefinite. In particular, since the compound still contains the constituent elements of a nucleotide or nucleoside, one of ordinary skill in the art would be able to easily identify compounds within the present claims.

To further emphasize that the claims are directed to compounds that contain, albeit modified, all of the constituent elements of a nucleotide or nucleoside, claims 1 and 13 have been amended herein to recite that W represents a nucleotide or nucleoside, or an analog of a nucleotide or nucleoside. The concept of an analog is defined in the present specification at page 5, lines 14-26. In particular, the term "nucleotide analog" is defined as "a nucleotide or nucleoside carrying one or more modifications on one of the constituent elements of said nucleoside or nucleotide." It is Applicants position that these amendments do not change the scope of claims 1 and 13, respectively. However, in an effort to recite language that may be more acceptable to the Examiner, claims 1 and 13 are amended to recite an analog.

Claims 1-4, 10-16, 22-27, 29 and 30 clearly recite the invention. Therefore, the rejection under 35 U.S.C. §112, second paragraph, should be reconsidered and withdrawn.

Claims 1, 2, 6, 7 and 9-12 are rejected under 35 U.S.C. §103 over Bergstrom et al. and Dellinger et al. Applicants respectfully traverse the rejection.

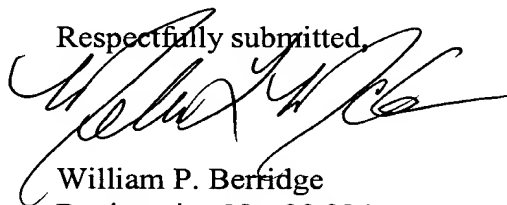
Claim 1 has been amended to recite that the linker arm L comprises "a chain of at least four atoms." Compound 20 of Bergstrom has a methylene unit between the dexoxyuridine and the $\text{CH}_2\text{C}(=\text{O})\text{R}$ group. Bergstrom does not teach or suggest a compound comprising a linker arm L comprising a chain of at least four atoms. In particular, the addition of a methylene unit to the methylene unit "linker arm" of compound 20 of Bergstrom would result in a chain of two atoms, not a chain of at least four atoms, as recited in claim 1.

Dellinger does not overcome the deficiencies of Bergstrom. In particular, Dellinger does not teach or suggest a compound having a linker arm L comprising a chain of at least four atoms. Therefore, the rejection of claim 1 and claims 2, 6, 7 and 9-12, which depend on claim 1, should be reconsidered and withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-4, 6-16, 18-27, 29 and 30 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Melanie L. McCollum
Registration No. 40,085

WPB:MLM/jam

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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